

File No. 22212 Continued.

isted first or was condemned across the railroad's right-of-way, the obligation is upon the Railroad Company to take care of its tracks and so operate its trains over them as not to injure the City's pipes. The reason for this opinion where the highway existed prior to the railroad is obvious. Where the railroad existed prior to the highway, the reason why the railroad should be charged with this obligation is that the railroad must be presumed to have been compensated for this burden in the damages received when the highway was opened.

Very truly yours,

(Signed) S. S. Field,
City Solicitor.

.....

File No. 25386

Baltimore, September 27, 1919.

To the Honorable Board of Estimates,
Mr. C. H. Sumwalt, Clerk.

Dear Sir:

I have your letter of September 25th, in which you say:

"Mr. C. H. Osborne, Inspector of Buildings, under date of September 23, 1919, wrote, in reference to improvements to markets, that he had been advised recently by Mr. Howard C. Beck, City Auditor, that there was an item of \$142,875.43 which had been carried forward from the year 1917 for improvements to markets. This amount, together with a balance carried over from 1918, together with the appropriation for 1919, made a total of \$192,610.02. Of this amount \$12,000 had been expended, leaving a balance available of \$180,610.02. Mr. Osborne pointed out that the markets are all in need of painting, and he was of the opinion that the item of painting the interior and exterior should be considered as an improvement rather than a repair, and he asked if the Board would not concur in this interpretation of 'Improvements to Markets'."